

117TH CONGRESS
1ST SESSION

H. R. 4825

To establish broadband expansion grant programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. HUDSON introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To establish broadband expansion grant programs, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Broad-
5 band Deployment Act”.

6 **SEC. 2. BROADBAND EXPANSION GRANT PROGRAM.**

7 (a) NOTIFICATION OF CREATION OF BROADBAND
8 MAPS; DATA SHARING.—

9 (1) IN GENERAL.—Not later than 3 business
10 days after creating the maps required under section
11 802(c)(1) of the Communications Act of 1934 (47

1 U.S.C. 642(c)(1)), the Commission shall notify the
2 Assistant Secretary that such maps have been cre-
3 ated.

4 (2) DATA SHARING.—Not less frequently than
5 annually, the Commission shall, through the process
6 established under section 802(b)(7) of the Commu-
7 nications Act of 1934 (47 U.S.C. 642(b)(7)), provide
8 the Assistant Secretary any data collected by the
9 Commission pursuant to title VIII of such Act.

10 (b) BROADBAND GRANT PROGRAM.—

11 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-
12 TICE OF FUNDING OPPORTUNITY.—The Assistant
13 Secretary shall, not later than 1 year after the As-
14 sistant Secretary is notified as described in sub-
15 section (a)(1)—

16 (A) establish a program to make grants on
17 a competitive basis, from amounts made avail-
18 able to carry out this section, to covered part-
19 nerships for covered broadband projects; and

20 (B) publish a Notice of Funding Oppor-
21 tunity in the Federal Register that includes in-
22 formation about such program, including any
23 requirement established by this section.

24 (2) LIMITATION.—The Assistant Secretary may
25 not make a grant under this section before the date

1 that is 1 year after the date on which the Assistant
2 Secretary is notified as described in subsection
3 (a)(1).

4 (3) COORDINATION.—In making a grant award
5 under paragraph (1), in order to avoid overbuilding
6 in areas where Federal funds have already been
7 awarded, the Assistant Secretary shall coordinate
8 with—

9 (A) the Chairman of the Commission;

10 (B) the Secretary of Agriculture; and

11 (C) the Assistant Secretary of Commerce
12 for Economic Development.

13 (4) ELIGIBILITY REQUIREMENTS.—

14 (A) IN GENERAL.—To be eligible for a
15 grant under this section, a covered partnership
16 shall submit an application at such time, in
17 such manner, and containing such information
18 as the Assistant Secretary may require, but the
19 application shall, at a minimum, include a de-
20 scription of—

21 (i) the covered partnership submitting
22 the application under this subsection;

23 (ii) the covered broadband project to
24 be funded by the grant, including the
25 speed or speeds at which the covered part-

1 partnership plans to offer broadband service
2 under the project;

3 (iii) the cost of the covered broadband
4 project to be funded by the grant, includ-
5 ing—

6 (I) a description of how the re-
7 quired construction will be funded;

8 (II) all estimated project costs
9 for all facilities that are required to
10 complete the project, including the
11 costs of upgrading, replacing, or oth-
12 erwise modifying the existing facilities
13 to expand coverage or meet perform-
14 ance requirements;

15 (III) a description of how grant
16 funds will be used in combination with
17 other funds to support the broadband
18 service project;

19 (IV) in the case of a broadband
20 service project that will be partially
21 supported by loans, financial projec-
22 tions demonstrating that the covered
23 partnership can cover the necessary
24 debt service payments over the life of
25 any loan; and

1 (V) financial projections dem-
2 onstrating that the covered partner-
3 ship will remain financially stable at
4 the conclusion of the grant award;

5 (iv) the area to be served by the cov-
6 ered broadband project (in this section re-
7 ferred to as the “proposed service area”);

8 (v) how the State, political subdivi-
9 sion, or political subdivisions in the covered
10 partnership chose which provider of broad-
11 band service to enter into a partnership
12 with for the purposes of applying for a
13 grant under this section; and

14 (vi) any support provided to the pro-
15 vider of broadband service that is in the
16 covered partnership through—

17 (I) any grant, loan, or loan guar-
18 antee provided by a State to the pro-
19 vider of broadband service for the de-
20 ployment of broadband service in the
21 proposed service area;

22 (II) any grant, loan, or loan
23 guarantee with respect to the pro-
24 posed service area provided by the
25 Secretary of Agriculture under title

1 VI of the Rural Electrification Act of
2 1936 (7 U.S.C. 950bb et seq.), includ-
3 ing the Broadband Grants, Loans,
4 and Loan Guarantees program, the
5 Community Connect Programs, and
6 the ReConnect Pilot Program;

7 (III) any high-cost universal serv-
8 ice support provided under section
9 254 of the Communications Act of
10 1934 (47 U.S.C. 254);

11 (IV) any grant provided under
12 section 6001 of the American Recov-
13 ery and Reinvestment Act of 2009 (47
14 U.S.C. 1305);

15 (V) the Education Stabilization
16 Fund under title VIII of division B of
17 the CARES Act (Public Law 116-
18 136);

19 (VI) any grant, loan, or loan
20 guarantee provided by the Federal
21 Government for the provision of
22 broadband service; or

23 (VII) any legally enforceable
24 broadband deployment obligations to
25 which the provider of broadband serv-

1 ice is subject in the eligible service
2 area.

3 (B) REQUIREMENT TO STREAMLINE PER-
4 MITTING PROCESS.—

5 (i) IN GENERAL.—In order for a cov-
6 ered partnership to be eligible for a grant
7 under this section each covered entity may
8 only charge a fee to consider an applica-
9 tion for the placement, construction, or
10 modification of a facility for the provision
11 of broadband service, personal wireless
12 services, or telecommunications service in
13 the proposed service area or an application
14 to use a right-of-way or a facility in a
15 right-of-way owned or managed by that en-
16 tity for the placement, construction, or
17 modification of a facility for the provision
18 of any such service in the proposed service
19 area, if the fee for considering such appli-
20 cation is—

21 (I) nondiscriminatory;

22 (II) publicly disclosed; and

23 (III) based on actual and direct
24 costs, such as costs for the review and
25 processing of such applications.

1 (ii) COVERED ENTITY DEFINED.—In
2 this paragraph, the term “covered entity”
3 means—

4 (I) an entity in the partnership
5 that is a State or political subdivision
6 of a State; and

7 (II) a political subdivision in
8 which all or part of the proposed serv-
9 ice area is located.

10 (5) PRIORITY.—In awarding grants under this
11 section, the Assistant Secretary shall give priority to
12 applications for covered broadband projects as fol-
13 lows (in decreasing order of priority):

14 (A) Covered broadband projects designed
15 to provide broadband service to the greatest
16 number of households in an eligible service
17 area.

18 (B) Covered broadband projects designed
19 to provide broadband service in an eligible serv-
20 ice area that is wholly within any area other
21 than—

22 (i) a county, city, or town that has a
23 population of greater than 50,000 inhab-
24 itants; and

1 (ii) the urbanized area contiguous and
2 adjacent to such a city or town.

3 (C) Covered broadband projects that are
4 most cost-effective, prioritizing such areas that
5 are most rural.

6 (D) Covered broadband projects designed
7 to provide broadband service with a download
8 speed of at least 100 megabits per second and
9 an upload speed of at least 20 megabits per sec-
10 ond.

11 (E) Any other covered broadband project
12 that meets the requirements of this section.

13 (6) FEDERAL CONTRIBUTION.—The amount of
14 any grant provided to a covered partnership under
15 this section may not exceed 75 percent of the total
16 cost of the covered broadband project.

17 (7) GRANT CONDITIONS.—

18 (A) REQUIREMENTS.—As a condition of
19 receiving a grant under this section for a cov-
20 ered broadband project that involves placing fa-
21 cilities along a roadway, the Assistant Secretary
22 shall require the covered partnership receiving
23 the grant to include consistent access points to
24 allow access to such facilities, in accordance
25 with any best practices established by the Com-

1 mission regarding the placement of conduit ac-
2 cess points.

3 (B) PROHIBITIONS.—As a condition of re-
4 ceiving a grant under this section, the Assistant
5 Secretary shall prohibit—

6 (i) a provider of broadband service
7 that is in the covered partnership receiving
8 the grant under this section—

9 (I) from using grant amounts
10 provided under this section to repay,
11 or make any other payment relating
12 to, a loan made by any public or pri-
13 vate lender;

14 (II) from using grant amounts
15 provided under this section as collat-
16 eral for a loan made by any public or
17 private lender; and

18 (III) from using more than
19 \$75,000 of grant amounts provided
20 under this section to pay for the prep-
21 aration of an application for a grant
22 under this section; and

23 (ii) a State, or a political subdivision
24 of the State, that is in the covered partner-
25 ship receiving the grant under this section

1 from, after accepting a grant under this
2 section offering broadband service.

3 (C) NONDISCRIMINATION.—The Assistant
4 Secretary may not require a provider of
5 broadband service that is in an eligible partner-
6 ship to be designated as an eligible tele-
7 communications carrier pursuant to section
8 214(e) of the Communications Act of 1934 (47
9 U.S.C. 214(e)) to be eligible to receive a grant
10 under this section or as a condition of receiving
11 a grant under this section.

12 (8) BUILD-OUT, NOTIFICATION, AND ACCOUNT-
13 ABILITY REQUIREMENT.—

14 (A) IN GENERAL.—The Assistant Sec-
15 retary shall establish build-out, accountability,
16 and (in accordance with paragraph (8)) report-
17 ing requirements for covered partnerships that
18 receive grants under this section, including, for
19 each covered partnership that receives a grant
20 under this section, milestones for the deploy-
21 ment of broadband service under the covered
22 broadband project funded by the grant.

23 (B) NOTIFICATION TO COMMISSION.—
24 Upon establishing a build-out, accountability, or
25 reporting requirement under subparagraph (A),

1 the Assistant Secretary shall transmit to the
2 Commission a notification describing such re-
3 quirement.

4 (C) PENALTY.—If a covered partnership
5 fails to meet a build out requirement under
6 subparagraph (A), the Assistant Secretary
7 shall—

8 (i) recover any funds made available
9 to the covered partnership; and

10 (ii) assess a covered partnership (to
11 be split equally among each entity in the
12 partnership) a fine of not less than 50 per-
13 cent of the funds made available to the
14 covered partnership.

15 (9) REPORTING REQUIREMENTS.—

16 (A) IN GENERAL.—A covered partnership
17 that receives a grant under this section shall—

18 (i) semiannually submit to the Assist-
19 ant Secretary a certification that identifies
20 the areas for which broadband service has
21 been deployed under the covered broad-
22 band project funded by the grant, to assess
23 compliance with broadband build-out mile-
24 stones established by the Assistant Sec-

1 retary under paragraph (8) for the project;
2 and

3 (ii) provide to the Assistant Secretary
4 complete, reliable, and precise information
5 (in a manner consistent with how informa-
6 tion is submitted under section 802 of the
7 Communications Act of 1934 (47 U.S.C.
8 642)) on each area receiving access to
9 broadband service through the covered
10 broadband project funded by the grant, not
11 later than 90 days after—

12 (I) the date of completion of each
13 milestone established by the Assistant
14 Secretary under paragraph (7) for the
15 covered broadband project; and

16 (II) the date of completion of the
17 covered broadband project.

18 (B) PUBLICATION OF SEMIANNUAL CER-
19 TIFICATION.—The Assistant Secretary shall
20 publish in the Federal Register each certifi-
21 cation submitted under subparagraph (A)(i),
22 except that the Assistant Secretary shall not
23 publish any information in such certification
24 that the Assistant Secretary determines to be
25 confidential.

1 (C) SHARING OF INFORMATION.—Not later
2 than 30 days after receiving information under
3 subparagraph (A)(ii), the Assistant Secretary
4 shall provide such information to the Commis-
5 sion.

6 (10) TECHNICAL ASSISTANCE.—

7 (A) IN GENERAL.—The Assistant Sec-
8 retary may, at the request of a covered partner-
9 ship applying for a grant under this section,
10 provide technical assistance and training to
11 such partnership with respect to the application
12 process and the application to be submitted by
13 the partnership.

14 (B) FUNDING.—Not more than
15 \$1,000,000 of the amount made available to
16 carry out this section may be used for technical
17 assistance and training under subparagraph
18 (A).

19 (C) COORDINATION.—When providing
20 technical assistance to a covered partnership,
21 the Assistant Secretary shall coordinate with
22 any official of the State in which the political
23 subdivision or political subdivisions in the cov-
24 ered partnership are located that is responsible

1 for the expansion of broadband service in the
2 State.

3 (11) RELATION TO OTHER FEDERAL AND
4 STATE BROADBAND PROGRAMS.—

5 (A) UNIVERSAL SERVICE FUND.—Not later
6 than 5 business days after the Commission re-
7 ceives a request from the Assistant Secretary
8 for any information the Assistant Secretary de-
9 termines necessary to ensure that any grant
10 made under this section complements and is not
11 duplicative of high-cost universal service sup-
12 port provided under section 254 of the Commu-
13 nications Act of 1934 (47 U.S.C. 254), for an
14 area that includes any portion or all of the area
15 to be served by the covered broadband project
16 with respect to which the grant is made, the
17 Commission shall provide the Assistant Sec-
18 retary such information.

19 (B) RURAL UTILITIES SERVICE.—Not later
20 than 5 business days after the Secretary of Ag-
21 riculture receives a request from the Assistant
22 Secretary for any information the Assistant
23 Secretary determines necessary to ensure that
24 any grant made under this section complements
25 and is not duplicative of grants, loans, or loan

1 guarantees provided by the Secretary of Agri-
2 culture under title VI of the Rural Electrifica-
3 tion Act of 1936 (7 U.S.C. 950bb et seq.), in-
4 cluding the Broadband Grants, Loans, and
5 Loan Guarantees program and the Community
6 Connect Programs, and the ReConnect Pilot
7 Program, for an area that includes any portion
8 or all of the area to be served by the covered
9 broadband project with respect to which the
10 grant is made, the Secretary of Agriculture
11 shall provide the Assistant Secretary such infor-
12 mation.

13 (C) STATE BROADBAND GRANT PRO-
14 GRAMS.—The Assistant Secretary shall ensure
15 that any grant made under this section com-
16 plements and is not duplicative of grants, loans,
17 loan guarantees, or other support, provided by
18 a State to a provider of broadband service in
19 the covered partnership, that establishes a le-
20 gally enforceable obligation for the provider to
21 provide broadband service with a download
22 speed of at least 25 megabits per second and an
23 upload speed of at least 3 megabits per second,
24 in an area that includes any portion or all of

1 the area to be served by the covered broadband
2 project with respect to which the grant is made.

3 (12) REPORT TO CONGRESS.—The Assistant
4 Secretary shall annually submit a report to Congress
5 on the progress of the program established under
6 this section, based on the information provided by
7 covered partnerships under paragraph (8)(A)(ii),
8 until every obligation under each grant provided
9 under this section is fulfilled.

10 (13) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this section \$20,000,000,000 for fiscal year 2023
13 through fiscal year 2027, to remain available
14 through fiscal year 2027.

15 (14) CHALLENGE PROCESS.—In the Notice of
16 Funding Opportunity required to be published under
17 subsection (b)(1)(B), the Assistant Secretary shall
18 be required to establish a user-friendly challenge
19 process through which consumers, State, local, and
20 Tribal governmental entities, and other entities or
21 individuals may submit information to the Assistant
22 Secretary to challenge whether—

23 (A) with respect to an area, such area is
24 an eligible service area;

1 (B) with respect to an area, an entity al-
2 ready provides such service in the area; or

3 (C) with respect to an area, an entity al-
4 ready has a legally enforceable obligation to
5 provide broadband service in the area at 25
6 megabits per second upload speed and 3 mega-
7 bits per second download speed.

8 (15) LIMITATION ON STATE OR POLITICAL SUB-
9 DIVISION.—

10 (A) Any entity in a covered partnership
11 that is a State or political subdivision of a State
12 may not prohibit or have the effect of prohib-
13 iting the entity in a covered partnership that is
14 a provider of fixed broadband service that is not
15 owned (in whole or in part) or controlled by the
16 State or any political subdivision of the State
17 from entering into a covered partnership on the
18 basis of requiring any obligation, requirement,
19 duty, or regulation that is inconsistent with, or
20 exceeds in a material way, any grant condition
21 required by the Assistant Secretary.

22 (B) In the case of a covered partnership
23 that receives a grant under this section, the en-
24 tity in the partnership that is a State or polit-
25 ical subdivision of a State may not impose any

1 obligation, requirement, duty, or regulation that
2 is inconsistent with, or exceeds in a material
3 way, any grant condition required by the Assist-
4 ant Secretary.

5 (16) RULE OF CONSTRUCTION.—Nothing in
6 this Act shall be construed to permit an entity in a
7 covered partnership that is a State or a political
8 subdivision of a State to own or operate any facility
9 used to provide broadband service at the conclusion
10 of the covered partnership.

11 (c) DEFINITIONS.—In this section:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary of
14 Commerce for Communications and Information.

15 (2) BROADBAND SERVICE.—The term “broad-
16 band service” has the meaning given the term
17 broadband internet access service in section 8.1(b)
18 of title 47, Code of Federal Regulations (or any suc-
19 cessor regulation).

20 (3) COMMISSION.—The term “Commission”
21 means the Federal Communications Commission.

22 (4) COVERED BROADBAND PROJECT.—The
23 term “covered broadband project” means a competi-
24 tively and technologically neutral project for the de-
25 ployment of fixed broadband service that provides in

1 a eligible service areas broadband service with a
2 download speed of at least 25 megabits per second,
3 an upload speed of at least 3 megabits per second,
4 and a latency sufficient to support real-time applica-
5 tions.

6 (5) COVERED PARTNERSHIP.—The term “cov-
7 ered partnership” means—

8 (A) a partnership between—

9 (i) a State, if such State does not
10 offer broadband service;

11 (ii) one or more political subdivisions
12 of the State, if such political subdivision or
13 such political subdivisions (as the case may
14 be) do not offer broadband service; and

15 (iii) a provider of fixed broadband
16 service that is not owned (in whole or in
17 part) or controlled by the State or any po-
18 litical subdivision of the State; or

19 (B) a partnership between—

20 (i) one or more political subdivisions
21 of a State, provided such political subdivi-
22 sion or political subdivisions (as the case
23 may be) does not offer broadband service;
24 and

1 (ii) a provider of fixed broadband
2 service that is not owned (in whole or in
3 part) or controlled by the State or any po-
4 litical subdivision of the State.

5 (6) ELIGIBLE SERVICE AREA.—The term “eligi-
6 ble service area” means a household or business lo-
7 cation in which broadband service at 25 megabits
8 per second upload and 3 megabits per second
9 download speed is not available, as determined by
10 the Assistant Secretary solely on the basis of the
11 maps created under section 802(c)(1) of the Com-
12 munications Act of 1934 (47 U.S.C. 642(c)(1)), ex-
13 cept for those areas that are awarded funding in the
14 Rural Digital Opportunity Fund Phase II Auction
15 (FCC 20–5) or a High Cost Program.

16 (7) HIGH COST PROGRAM.—The term “high
17 cost program” means any of the following—

18 (A) any grant, loan, or loan guarantee pro-
19 vided by a State to the provider of broadband
20 service for the deployment of broadband service
21 in the proposed service area;

22 (B) any grant, loan, or loan guarantee
23 with respect to the proposed service area pro-
24 vided by the Secretary of Agriculture under title
25 VI of the Rural Electrification Act of 1936 (7

1 U.S.C. 950bb et seq.), including the Broadband
2 Grants, Loans, and Loan Guarantees program,
3 the Community Connect Programs, and the Re-
4 Connect Pilot Program;

5 (C) any high-cost universal service support
6 provided under section 254 of the Communica-
7 tions Act of 1934 (47 U.S.C. 254);

8 (D) any grant provided under section 6001
9 of the American Recovery and Reinvestment
10 Act of 2009 (47 U.S.C. 1305);

11 (E) the Education Stabilization Fund
12 under title VIII of division B of the CARES
13 Act (Public Law 116–136); or

14 (F) any grant, loan, or loan guarantee pro-
15 vided by the Federal Government for the provi-
16 sion of broadband service.

17 (8) PERSONAL WIRELESS SERVICES.—The term
18 “personal wireless services”—

19 (A) has the meaning given such term in
20 section 332 of the Communications Act of 1934
21 (47 U.S.C. 332); and

22 (B) includes commercial mobile data serv-
23 ice (as defined in section 6001 of the Middle
24 Class Tax Relief and Job Creation Act of 2012
25 (47 U.S.C. 1401)).

1 (9) POLITICAL SUBDIVISION.—The term “polit-
2 ical subdivision” includes a city, county, wireless au-
3 thority, or planning district commission.

4 (10) STATE.—The term “State” means the 50
5 States, the District of Columbia, the territories and
6 possessions of the United States, and federally rec-
7 ognized Indian Tribes.

8 (11) TELECOMMUNICATIONS SERVICE.—The
9 term “telecommunications service” has the meaning
10 given the term in section 3 of the Communications
11 Act of 1934 (47 U.S.C. 153).

12 **SEC. 3. MOBILE BROADBAND EXPANSION GRANT PRO-**
13 **GRAM.**

14 (a) NOTIFICATION OF CREATION OF BROADBAND
15 MAPS; DATA SHARING.—

16 (1) IN GENERAL.—Not later than 3 business
17 days after creating the maps required under section
18 802(c)(1) of the Communications Act of 1934 (47
19 U.S.C. 642(c)(1)), the Commission shall notify the
20 Assistant Secretary that such maps have been cre-
21 ated.

22 (2) DATA SHARING.—Not less frequently than
23 annually, the Commission shall, through the process
24 established under section 802(b)(7) of the Commu-
25 nications Act of 1934 (47 U.S.C. 642(b)(7)), provide

1 the Assistant Secretary any data collected by the
2 Commission pursuant to title VIII of such Act.

3 (b) MOBILE BROADBAND GRANT PROGRAM.—

4 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-
5 TICE OF FUNDING OPPORTUNITY.—The Assistant
6 Secretary shall, not later than 1 year after the As-
7 sistant Secretary is notified as described in sub-
8 section (a)(1)—

9 (A) establish a program to make grants on
10 a competitive basis, from amounts made avail-
11 able to carry out this section, to covered part-
12 nerships for covered mobile broadband service
13 projects; and

14 (B) publish a Notice of Funding Oppor-
15 tunity in the Federal Register that includes in-
16 formation about such program, including any
17 requirement established by this section.

18 (2) LIMITATION; COORDINATION.—

19 (A) The Assistant Secretary may not make
20 a grant under this section before the date that
21 is 1 year after the date on which the Assistant
22 Secretary is notified as described in subsection
23 (a)(1).

24 (B) In making a grant award under para-
25 graph (1), the Assistant Secretary shall coordi-

1 nate with the Chairman of the Commission in
2 order to avoid overbuilding in areas where
3 funds are made available through the 5G Fund
4 Report and Order (FCC 20–150) adopted by
5 the Commission on October 27, 2020.

6 (3) ELIGIBILITY REQUIREMENTS.—

7 (A) IN GENERAL.—To be eligible for a
8 grant under this section, a covered partnership
9 shall submit an application at such time, in
10 such manner, and containing such information
11 as the Assistant Secretary may require, but the
12 application shall, at a minimum, include a de-
13 scription of—

14 (i) the covered partnership submitting
15 the application under this paragraph;

16 (ii) the covered mobile broadband
17 service project to be funded by the grant,
18 including the speed or speeds at which the
19 covered partnership plans to offer mobile
20 broadband service under the project;

21 (iii) the cost of the covered mobile
22 broadband service project to be funded by
23 the grant, including—

24 (I) a description of how the re-
25 quired construction will be funded;

1 (II) all estimated project costs
2 for all facilities that are required to
3 complete the project, including the
4 costs of upgrading, replacing, or oth-
5 erwise modifying the existing facilities
6 to expand coverage or meet perform-
7 ance requirements;

8 (III) a description of how grant
9 funds will be used in combination with
10 other funds to support the mobile
11 broadband service project;

12 (IV) in the case of a mobile
13 broadband service project that will be
14 partially supported by loans, financial
15 projections demonstrating that the
16 covered partnership can cover the nec-
17 essary debt service payments over the
18 life of any loan; and

19 (V) financial projects dem-
20 onstrating that the covered partner-
21 ship will remain financially stable at
22 the conclusion of the grant award;

23 (iv) the area to be served by the cov-
24 ered mobile broadband service project (in

1 this subsection referred to as the “pro-
2 posed service area”);

3 (v) how the State, political subdivi-
4 sion, or political subdivisions in the covered
5 partnership chose which provider of mobile
6 broadband service to enter into a partner-
7 ship with for the purposes of applying for
8 a grant under this section; and

9 (vi) any support (other than support
10 for a wireline service) that the provider of
11 mobile broadband service that is in the
12 covered partnership has received through—

13 (I) any grant, loan, or loan guar-
14 antee provided by a State to the pro-
15 vider of mobile broadband service for
16 the deployment of mobile broadband
17 service in the proposed service area;

18 (II) any high-cost universal serv-
19 ice support provided under section
20 254 of the Communications Act of
21 1934 (47 U.S.C. 254);

22 (III) any grant provided under
23 section 6001 of the American Recov-
24 ery and Reinvestment Act of 2009 (47
25 U.S.C. 1305);

1 (IV) the Education Stabilization
2 Fund under title VIII of division B of
3 the CARES Act (Public Law 116–
4 136);

5 (V) any other grant, loan, or loan
6 guarantee provided by the Federal
7 Government for the provision of
8 broadband service; or

9 (VI) any legally enforceable mo-
10 bile broadband deployment obligations
11 to which the provider of mobile
12 broadband service is subject in the eli-
13 gible service area.

14 (B) REQUIREMENT TO STREAMLINE PER-
15 MITTING PROCESS.—

16 (i) IN GENERAL.—In order for a cov-
17 ered partnership to be eligible for a grant
18 under this section each covered entity may
19 only charge a fee to consider an applica-
20 tion for the placement, construction, or
21 modification of a facility for the provision
22 of broadband service, personal wireless
23 services, or telecommunications service in
24 the proposed service area or an application
25 to use a right-of-way or a facility in a

1 right-of-way owned or managed by that en-
2 tity for the placement, construction, or
3 modification of a facility for the provision
4 of any such service in the proposed service
5 area, if the fee for considering such appli-
6 cation is—

7 (I) nondiscriminatory;

8 (II) publicly disclosed; and

9 (III) based on actual and direct

10 costs, such as costs for the review and

11 processing of such applications.

12 (ii) COVERED ENTITY DEFINED.—In
13 this subparagraph, the term “covered enti-
14 ty” means—

15 (I) an entity in the partnership

16 that is a State or political subdivision

17 of a State; and

18 (II) a political subdivision in

19 which all or part of the proposed serv-

20 ice area is located.

21 (4) PRIORITY.—In awarding grants under this
22 section, the Assistant Secretary shall give priority to
23 applications for covered mobile broadband service
24 projects as follows (in decreasing order of priority):

1 (A) Covered mobile broadband service
2 projects designed to provide mobile broadband
3 service to an eligible service in which the great-
4 est number of households in the eligible service
5 area do not have fixed broadband service with
6 a download speed of 25 megabits per second
7 and an upload speed of 3 megabits per second,
8 as determined by the Assistant Secretary on the
9 basis of the maps required under section
10 802(c)(1) of the Communications Act of 1934
11 (47 U.S.C. 642(c)(1)).

12 (B) Covered mobile broadband service
13 projects designed to provide mobile broadband
14 service in an eligible service area that is wholly
15 within any area other than—

16 (i) a county, city, or town that has a
17 population of greater than 50,000 inhab-
18 itants; and

19 (ii) the urbanized area contiguous and
20 adjacent to such a city or town.

21 (C) Covered mobile broadband service
22 projects that are most cost-effective.

23 (D) Covered mobile broadband service
24 projects that are most rural.

1 (E) Covered mobile broadband service
2 projects designed to provide 5th Generation
3 long-term evolution or future generation of
4 service that meets the standards set forth in
5 Release 15, or any successor release, of the 3rd
6 Generation Partnership Project.

7 (F) Any other covered mobile broadband
8 service project that meets the requirements of
9 this section.

10 (5) FEDERAL CONTRIBUTION.—The amount of
11 any grant provided to a covered partnership under
12 this section may not exceed 75 percent of the total
13 cost of the covered mobile broadband service project.

14 (6) GRANT CONDITIONS.—

15 (A) REQUIREMENTS.—As a condition of
16 receiving a grant under this section for a cov-
17 ered mobile broadband service project, a cov-
18 ered partnership shall provide mobile broadband
19 service under the project using the facilities of
20 the provider of mobile broadband service in the
21 covered partnership and not exclusively through
22 the resale of the service of another provider of
23 personal wireless services.

1 (B) PROHIBITIONS.—As a condition of re-
2 ceiving a grant under this section, the Assistant
3 Secretary shall prohibit—

4 (i) a provider of mobile broadband
5 service that is in the covered partnership
6 receiving the grant under this section—

7 (I) from using grant amounts
8 provided under this section to repay,
9 or make any other payment relating
10 to, a loan made by any public or pri-
11 vate lender;

12 (II) from using grant amounts
13 provided under this section as collat-
14 eral for a loan made by any public or
15 private lender; and

16 (III) from using more than
17 \$75,000 of grant amounts provided
18 under this section to pay for the prep-
19 aration of an application for a grant
20 under this section; and

21 (ii) a State, or a political subdivision
22 of a State, that is in the covered partner-
23 ship receiving the grant under this section,
24 after accepting a grant under this section
25 from offering mobile broadband service.

1 (C) NONDISCRIMINATION.—The Assistant
2 Secretary may not require a provider of mobile
3 broadband service that is in an eligible partner-
4 ship to be designated as an eligible tele-
5 communications carrier pursuant to section
6 214(e) of the Communications Act of 1934 (47
7 U.S.C. 214(e)) for the covered partnership to
8 be eligible to receive a grant under this section
9 or as a condition of the covered partnership re-
10 ceiving a grant under this section.

11 (D) COLLOCATION.—A covered entity (as
12 defined in paragraph (3)(B)(ii)) may not pro-
13 hibit or have the effect of prohibiting the col-
14 location of personal wireless service facilities at
15 any site at which the covered partnership has
16 deployed a personal wireless service facility in
17 connection with a grant made available in this
18 section.

19 (7) BUILD-OUT, NOTIFICATION, AND ACCOUNT-
20 ABILITY REQUIREMENT.—

21 (A) IN GENERAL.—The Assistant Sec-
22 retary shall establish build-out, accountability,
23 and (in accordance with paragraph (8)) report-
24 ing requirements for covered partnerships that
25 receive grants under this section, including, for

1 each covered partnership that receives a grant
2 under this section, milestones for the deploy-
3 ment of mobile broadband service under the
4 covered mobile broadband service project fund-
5 ed by the grant.

6 (B) NOTIFICATION TO COMMISSION.—

7 Upon establishing a build-out, accountability, or
8 reporting requirement under subparagraph (A),
9 the Assistant Secretary shall transmit to the
10 Commission a notification describing such re-
11 quirement.

12 (C) PENALTY.—If a covered partnership

13 fails to meet a build out requirement under
14 subparagraph (A), the Assistant Secretary
15 shall—

16 (i) recover any funds made available
17 to the covered partnership; and

18 (ii) assess a covered partnership (to
19 be split equally among each entity in the
20 partnership) a fine of not less than 50 per-
21 cent of the funds made available to the
22 covered partnership.

23 (8) REPORTING REQUIREMENTS.—

24 (A) IN GENERAL.—A covered partnership

25 that receives a grant under this section shall—

1 (i) semiannually submit to the Assist-
2 ant Secretary a certification that identifies
3 the areas for which mobile broadband serv-
4 ice have been deployed under the covered
5 mobile broadband service project funded by
6 the grant, to assess compliance with mobile
7 broadband service build-out milestones es-
8 tablished by the Assistant Secretary under
9 paragraph (7) for the project; and

10 (ii) provide to the Assistant Secretary
11 complete, reliable, and precise information
12 (in a manner consistent with how informa-
13 tion is submitted under section 802 of the
14 Communications Act of 1934 (47 U.S.C.
15 642)) on each area receiving access to mo-
16 bile broadband service through the covered
17 mobile broadband service project funded by
18 the grant, not later than 90 days after—

19 (I) the date of completion of each
20 milestone established by the Assistant
21 Secretary under paragraph (6) for the
22 covered mobile broadband service
23 project; and

1 (II) the date of completion of the
2 covered mobile broadband service
3 project.

4 (B) PUBLICATION OF SEMIANNUAL CER-
5 TIFICATION.—The Assistant Secretary shall
6 publish in the Federal Register each certifi-
7 cation submitted under subparagraph (A)(i),
8 except that the Assistant Secretary shall not
9 publish any information in such certification
10 that the Assistant Secretary determines to be
11 confidential.

12 (C) SHARING OF INFORMATION.—Not later
13 than 30 days after receiving information under
14 subparagraph (A)(ii), the Assistant Secretary
15 shall provide such information to the Commis-
16 sion.

17 (9) TECHNICAL ASSISTANCE.—

18 (A) IN GENERAL.—The Assistant Sec-
19 retary may, at the request of a covered partner-
20 ship applying for a grant under this section,
21 provide technical assistance and training to
22 such partnership with respect to the application
23 process and the application to be submitted by
24 the partnership.

1 (B) FUNDING.—Not more than
2 \$1,000,000 of the amount made available to
3 carry out this section may be used for technical
4 assistance and training under subparagraph
5 (A).

6 (C) COORDINATION.—When providing
7 technical assistance to a covered partnership,
8 the Assistant Secretary shall coordinate with
9 any official of the State in which the political
10 subdivision or political subdivisions in the cov-
11 ered partnership are located that is responsible
12 for the expansion of personal wireless services
13 in the State.

14 (10) RELATION TO OTHER FEDERAL AND
15 STATE BROADBAND PROGRAMS.—

16 (A) UNIVERSAL SERVICE FUND.—Not later
17 than 5 business days after the Commission re-
18 ceives a request from the Assistant Secretary
19 for any information the Assistant Secretary de-
20 termines necessary to ensure that any grant
21 made under this section complements and is not
22 duplicative of high-cost universal service sup-
23 port provided under section 254 of the Commu-
24 nications Act of 1934 (47 U.S.C. 254), for an
25 area that includes any portion or all of the area

1 to be served by the covered mobile broadband
2 service project with respect to which the grant
3 is made, the Commission shall provide the As-
4 sistant Secretary such information.

5 (B) STATE BROADBAND GRANT PRO-
6 GRAMS.—The Assistant Secretary shall ensure
7 that any grant made under this section com-
8 plements and is not duplicative of grants, loans,
9 loan guarantees, or other support, provided by
10 a State to a provider of mobile broadband serv-
11 ice in the covered partnership, that establishes
12 a legally enforceable obligation for the provider
13 to provide broadband service with a download
14 speed of at least 25 megabits per second and an
15 upload speed of at least 3 megabits per second,
16 in an area that includes any portion or all of
17 the area to be served by the covered mobile
18 broadband service project with respect to which
19 the grant is made.

20 (11) CHALLENGE PROCESS.—In the Notice of
21 Funding Opportunity required to be published under
22 subsection (b)(1)(B), the Assistant Secretary shall
23 be required to establish a user-friendly challenge
24 process through which consumers, State, local, and
25 Tribal governmental entities, and other entities or

1 individuals may submit information to the Assistant
2 Secretary to challenge whether—

3 (A) with respect to an area, such area is
4 an eligible service area;

5 (B) with respect to an area, an entity al-
6 ready provides such service in the area; or

7 (C) with respect to an area, an entity al-
8 ready has a legally enforceable obligation to
9 provide mobile broadband service in the area.

10 (12) LIMITATION ON STATE OR POLITICAL SUB-
11 DIVISION.—

12 (A) Any entity in a covered partnership
13 that is a State or political subdivision of a State
14 may not prohibit or have the effect of prohib-
15 iting the entity in a covered partnership that is
16 a provider of mobile broadband service that is
17 not owned (in whole or in part) or controlled by
18 the State or any political subdivision of the
19 State from entering into a covered partnership
20 on the basis of requiring any obligation, re-
21 quirement, duty, or regulation that is incon-
22 sistent with, or exceeds in a material way, any
23 grant condition required by the Assistant Sec-
24 retary.

1 (B) In the case of a covered partnership
2 that receives a grant under this section, the en-
3 tity in the partnership that is a State or polit-
4 ical subdivision of a State may not impose any
5 obligation, requirement, duty, or regulation that
6 is inconsistent with, or exceeds in a material
7 way, any grant condition required by the Assist-
8 ant Secretary.

9 (13) RULE OF CONSTRUCTION.—Nothing in
10 this Act shall be construed to permit an entity in a
11 covered partnership that is a State or a unit of local
12 government to own or operate any facility used to
13 provide mobile broadband service at the conclusion
14 of the covered partnership.

15 (14) REPORT TO CONGRESS.—The Assistant
16 Secretary shall annually submit a report to Congress
17 on the progress of the program established under
18 this section, based on the information provided by
19 covered partnerships under paragraph (8)(A)(ii),
20 until every obligation under each grant provided
21 under this section is fulfilled.

22 (15) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to carry out
24 this section \$3,000,000,000 for fiscal year 2023

1 through fiscal year 2027, to remain available
2 through fiscal year 2027.

3 (c) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 (2) BROADBAND SERVICE.—The term “broad-
8 band service” has the meaning given the term
9 broadband internet access service in section 8.1(b)
10 of title 47, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 (3) CELL EDGE PROBABILITY; CELL LOAD-
13 ING.—The terms “cell edge probability” and “cell
14 loading” have the meaning given those terms in sec-
15 tion 801 of the Communications Act of 1934 (47
16 U.S.C. 641).

17 (4) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (5) COVERED MOBILE BROADBAND SERVICE
20 PROJECT.—The term “covered mobile broadband
21 service project” means a competitively and techno-
22 logically neutral project for the deployment of mobile
23 broadband service in an eligible service area.

24 (6) COVERED PARTNERSHIP.—The term “cov-
25 ered partnership” means—

1 (A) a partnership between—

2 (i) a State, if such State does not
3 offer personal wireless services;

4 (ii) one or more political subdivisions
5 of the State, if such political subdivision or
6 such political subdivisions (as the case may
7 be) do not offer mobile broadband service;
8 and

9 (iii) a provider of mobile broadband
10 service that is not owned (in whole or in
11 part) or controlled by the State or any po-
12 litical subdivision of the State; or

13 (B) a partnership between—

14 (i) one or more political subdivisions
15 of a State, provided such political subdivi-
16 sion or political subdivisions (as the case
17 may be) does not offer mobile broadband
18 service; and

19 (ii) a provider of mobile broadband
20 service that is not owned (in whole or in
21 part) or controlled by the State or any po-
22 litical subdivision of the State.

23 (7) ELIGIBLE SERVICE AREA.—The term “eligi-
24 ble service area” means an area not smaller than a
25 census block in which mobile broadband service is

1 not available, as determined by the Assistant Sec-
2 retary solely on the basis of the maps created under
3 section 802(c)(1) of the Communications Act of
4 1934 (47 U.S.C. 642(c)(1)), except such areas that
5 are eligible for support or are awarded support
6 under the 5G Fund Report and Order (FCC 20-
7 150) adopted by the Commission on October 27,
8 2020.

9 (8) MOBILE BROADBAND SERVICE.—The term
10 “mobile broadband service” means 4th Generation
11 long-term evolution service, 5th Generation long-
12 term evolution service, or future generation of serv-
13 ice that meets the standards set forth in Release 10,
14 or any successor release, of the 3rd Generation Part-
15 nership Project.

16 (9) PERSONAL WIRELESS SERVICES.—The term
17 “personal wireless services”—

18 (A) has the meaning given such term in
19 section 332 of the Communications Act of 1934
20 (47 U.S.C. 332); and

21 (B) includes commercial mobile data serv-
22 ice (as defined in section 6001 of the Middle
23 Class Tax Relief and Job Creation Act of 2012
24 (47 U.S.C. 1401)).

1 (10) PERSONAL WIRELESS SERVICE FACIL-
2 ITY.—The term “personal wireless service facility”
3 means a facility for the provision of personal wire-
4 less service.

5 (11) POLITICAL SUBDIVISION.—The term “po-
6 litical subdivision” includes a city, county, wireless
7 authority, or planning district commission.

8 (12) STATE.—The term “State” means the 50
9 States, the District of Columbia, the territories and
10 possessions of the United States, and federally rec-
11 ognized Indian Tribes.

12 (13) TELECOMMUNICATIONS SERVICE.—The
13 term “telecommunications service” has the meaning
14 given the term in section 3 of the Communications
15 Act of 1934 (47 U.S.C. 153).

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